

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
WINSTON-SALEM DIVISION**

FEDERAL TRADE COMMISSION,  
et al.

Plaintiffs,

v.

SYNGENTA CROP PROTECTION AG,  
et al.

Defendants.

Case No. 1:22-cv-828

**DEFENDANT CORTEVA, INC.'S  
MOTION TO FILE UNDER SEAL  
PORTIONS OF THE TRANSCRIPT  
OF THE MOTION TO DISMISS  
HEARING BEFORE THE  
HONORABLE D. THOMAS  
SCHROEDER HELD ON  
DECEMBER 1, 2023**

Pursuant to Rule 5.2 of the Federal Rules of Civil Procedure and Rule 5.4 of the Local Rules of Practice and Procedure, Defendant Corteva, Inc. (“Corteva”) respectfully moves this Court to maintain under seal the confidential portions of the transcript of the Motion to Dismiss hearing held before this Court on December 1, 2023 (the “Transcript”). Pursuant to Local Rule 5.4(c)(3), Corteva respectfully directs the Court to the arguments and legal support in its Response to the FTC’s Motion to File Under Seal Portions of the Complaint, (Doc. 88), and the evidentiary support in the Declaration of Ben Kaehler, (Doc. 88-1 ) (the “Kaehler Decl.”).

Corteva respectfully requests that this Court permit redaction of certain portions of the publicly available Transcript, and keep the unredacted Transcript filed permanently under seal. The information in the Transcript that Corteva requests be permanently sealed represents information about Corteva’s confidential business

decisions and commercial agreements that were redacted in Plaintiffs' complaint. (*See* Kaehler Decl. ¶ 11; Compl. ¶ 79). During the December 1, 2023 hearing, this Court recognized that it was about to question the parties about confidential business information referenced in the complaint and filed under seal, and therefore called a bench conference for purposes of discussing the sealed information. (*See* Transcript 78:5–14.)

Corteva respectfully submits that the same concerns this Court identified on December 1, 2023 apply to the transcription of the bench conference. Accordingly, Corteva has filed under seal a version of the Transcript with the bench conference redacted in its entirety. (*See* Transcript 78:15–81:1.)

Dated: January 5, 2024

Respectfully submitted,

/s/ Mark E. Anderson

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*Attorneys for Defendant Corteva, Inc.*

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 5th day of January, 2024, I caused the foregoing MOTION TO FILE UNDER SEAL, and all attachments thereto, to be filed electronically with the Clerk of Court via the Court's CM/ECF system. Counsel for all parties in this case are registered CM/ECF users and will be served by the CM/ECF System.

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